

Chapter 7

HEALTH AND SANITATION*

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ARTICLE I. IN GENERAL

Sec. 7-1. Open burning.

It shall be unlawful for any person to burn or cause to be burned out of doors any leaves, grass, trash or rubbish between the hours of 4:00 p.m. and 9:00 a.m. (Ord. No. 133, § 1, 9-8-1897)

Sec. 7-2. Unsanitary deposits.

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon any property any human or animal excrement, garbage, or other objectionable waste. (Ord. No. 665, § 2(a), 5-4-59)

Secs. 7-3—7-13. Reserved.

ARTICLE II. GARBAGE AND TRASH†

Sec. 7-14. Definitions.

As used in this article, unless the context clearly requires a different meaning, the following terms shall mean:

*Cross references—Unsafe or unsanitary structures, § 4-24 et seq.; junk removal, Ch. 8; obstruction of ditches, drains or gutters, § 16-13; water, sewers and sewage disposal, Ch. 19.

State law reference—Power of city to promote public health, IC 1971 18-1-1-5 et seq. (Burns Stat. § 48-1456 et seq.).

†State law references—Refuse Disposal Act, IC 1971, 19-2-1-2 et seq.; (Burns Stat. § 48-4246 et seq.); power of city to provide for disposal of garbage, trash and refuse, IC 1971, 18-1-1-5-7 (Burns Stat. § 48-1457).

Commercial garbage or trash: Garbage or trash derived from the operation of a business and not resulting from the ordinary operation of a private residence or household.

Depositor: A person who places or directs garbage or trash to be placed in a receptacle in which he is entitled to place same.

Garbage: Any rejected or waste food, offal, swill or carrion including waste paper, rags, sweepings, or other small perfectly combustible substances but not substances which are not combustible and heavy trash such as ashes, tin cans, plaster and other similar substances.

Multiple dwelling: A building or part of a building designed, intended, or used as an apartment house, apartment hotel, tenement house, or other residential use in which there is more than one dwelling.

Occupational unit: A building or part of a building, designed as intended for, or used for any purpose other than a single dwelling or multiple dwelling.

Trash: All ashes of wood, coal and coke, the residue resulting from the combustion of any material or substance, soot, cinders, slag or charcoal, empty tin cans, empty bottles, empty glass containers, scrap iron, wire, metal articles, brickbats, broken stone or cement, broken crockery, broken glass, broken plaster and other noncombustible and heavy refuse. (Ord. No. 617, Art. I, 11-16-53)

State law reference—Similar definitions, IC 1971, 19-2-1-2 (Burns Stat. § 48-4245a).

Sec. 7-15. Installation of garbage disposal or incinerator.

(a) The owner of every new dwelling unit containing a kitchen and each dwelling unit for which a building permit to remodel or add a kitchen is issued, and all house trailer, or temporary residence facilities for which a building permit is issued after February 15, 1965, shall cause a garbage grinder connected with the sanitary sewer or a gas-fired incinerator

to be installed therein prior to use and occupancy for living or residential purposes. (Ord. No. 728, § 3, 2-15-65)

(b) As used in this section, the term garbage shall be construed to mean rejected food waste and to include every waste accumulation of animal, fruit or vegetable matter used or intended for food. (Ord. No. 728, §§ 2, 3, 2-15-65)

Sec. 7-16. City to collect.

Except as otherwise provided, the city shall systematically collect, remove and dispose of all garbage and trash of all its citizens, who faithfully comply with the provisions of this article. (Ord. No. 617, Art. XV, 11-16-53)

Sec. 7-17. Collection of commercial garbage or trash.

The city shall not collect, remove or dispose of any commercial or industrial garbage or trash. (Ord. No. 617, Art. XXV, 11-16-53)

State law reference—Power of city to collect and dispose of rubbish and trash, IC 1971, 19-2-1-3 (Burns Stat. § 48-4245b).

Sec. 7-18. Schedules for collection.

The common council, or the city engineer is hereby authorized to fix the hours and days of the week for collections of garbage and trash. (Ord. No. 617, Art. XVII, 11-16-53)

Sec. 7-19. Compliance required.

It shall be unlawful for any person to keep any premises, or permit them to remain or cast any unwholesome matter upon any property except in compliance with the provisions of this article and any rules and regulations which may be promulgated hereunder. (Ord. No. 617, Art. VII, 11-16-53)

Sec. 7-20. Size of objects to be collected.

The city shall not collect any trash that is more than three (3) feet in length, or twelve (12) inches in diameter, or greater than fifty (50) pounds in weight, unless in the discre-

tion of the city engineer the removal of such object is in the interest of the public health or for the general public benefit. (Ord. No. 617, Art. XXIX, 11-16-53)

Sec. 7-21. Use of containers.

Every person making or having any garbage or trash shall, unless he uses other satisfactory means of disposal, cause it to be deposited in containers required for that purpose. (Ord. No. 617, Art. V, 11-16-53; Ord. No. 789, § 1, 4-15-68)

Sec. 7-22. Person required to furnish containers.

(a) Every person residing in a single-family dwelling shall provide, and at all times maintain in good condition and repair, adequate containers for garbage and trash.

(b) Every owner, agent or agent of the owner, of every multiple dwelling, mobile home park or other occupational unit shall provide, and at all times maintain in good order and repair, proper containers for garbage and trash, sufficient in number to contain the accumulation between dates of regular collection; provided, however, that the owner or his agent may be relieved of this duty, and the lessee or occupant required to perform it, when the owner has expressly contracted in writing with said lessee or occupant that said lessee or occupant shall provide and maintain said containers; provided further, that if the owner is a nonresident of the city, the occupant shall be responsible for the furnishing and maintenance of said containers. (Ord. No. 617, Art. II, 11-16-53)

Sec. 7-23. Draining and wrapping of garbage.

All garbage which is offered for pick up by the city shall be drained so that the moisture is removed from it, and then said garbage shall be wrapped so that it is not exposed. (Ord. No. 789, § 1, 4-15-68)

Sec. 7-24. Construction requirements of containers.

(a) A container for garbage or trash shall be of sturdy construction, flyproof, watertight, and made of galvanized

or nonrusting metal, or such impervious material or suitable substitute approved by the city engineer and shall have a close-fitting lid or cover, and suitable handles or a bail so that they can be handled easily by one man.

(b) Concrete containers, immovable containers or plastic bags of an acceptable construction, dimension and type, may be used with the prior approval of the city engineer. (Ord. No. 617, Art. III, 11-16-53; Ord. No. 789, § 2, 4-15-68)

Sec. 7-25. Size and number of containers.

(a) All garbage or trash containers shall have a capacity of not less than five (5) gallons nor more than thirty (30) gallons for each separate family, resident upon the premises.

(b) Subject to the limitation in subsection (a), the containers for each premises shall be of sufficient number and capacity to contain all garbage and trash which may accumulate on said premises during the usual intervals between collections. (Ord. No. 617, Art. IV, 11-16-53; Ord. No. 789, § 2, 4-15-68)

Sec. 7-26. Covering of containers.

All garbage and trash containers shall be kept covered at all times except when being filled or emptied. (Ord. No. 617, Art. III, 11-16-53)

Sec. 7-27. Placement of containers.

All garbage and trash containers set out to be emptied by the city shall be placed at curbside or in the tree plot or in some other place located in the public right-of-way; provided, however that no such container shall be placed in the street or in such a manner as to obstruct traffic. (Ord. No. 617, Art. VIII, 11-16-53)

Sec. 7-28. Placement in same container.

Garbage and trash may be placed in the same container.

Sec. 7-29. Exposing garbage.

It shall be unlawful for any person to allow garbage to remain exposed in any building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in garbage containers. (Ord. No. 617, Art. V, 11-16-53)

Sec. 7-30. Placement of hot ashes, etc.

It shall be unlawful for any person to place any hot ashes or ashes containing fire or fire coals in any garbage or trash container. (Ord. No. 617, Art. VIII, 11-16-53)

Sec. 7-31. Removal of containers after collection.

All garbage and trash containers shall be promptly removed from where they were awaiting collection service after such collection has been made. (Ord. No. 617, Art. VIII, 11-16-53)

Sec. 7-32. Use of another's container.

It shall be unlawful for any person to take, carry away, remove, or use the garbage or trash containers of another without express written permission of the owner or the city. (Ord. No. 617, Art. XI, 11-16-53)

Sec. 7-33. Disturbing containers.

It shall be unlawful for any person, other than the depositor or owner, or the proper city employee or private collector, to remove, displace, uncover, or in any manner disturb garbage or trash containers. (Ord. No. 671, Art. XII, 11-16-53)

Sec. 7-34. Scattering containers.

It shall be unlawful for any person to place or scatter garbage or trash containers on any street, alley or other public place when such container is awaiting collection by the city. (Ord. of 617, Art. X, 11-16-53)

Sec. 7-35. Bringing garbage or trash into city.

It shall be unlawful for any nonresident to dump any garbage or trash into any garbage or trash container located in the city.

Sec. 7-36. Garbage or trash picking.

(a) It shall be unlawful for any person other than the depositor thereof or any city employee acting in the capacity thereof, or any authorized private collector to pick, sort, take, disturb or carry away any substance found in a garbage or trash container.

(b) It shall be unlawful for any person to employ, induce, or if a parent or guardian, to cause or knowingly permit his child to violate the provisions of subsection (a). (Ord. No. 617, Art. X, 11-16-53)

Sec. 7-37. Throwing garbage into streets etc.

No person shall throw, place or deposit garbage in any street or other place, except in garbage containers. (Ord. No. 617, Art. V, 11-16-53)

Sec. 7-38. Trash to be placed in containers.

It shall be unlawful for any person to place trash in any public way, or other place, without placing it in suitable and adequate trash containers to keep it from being blown and scattered about the public ways, or upon private property. (Ord. No. 617, Art. VI, 11-16-53)

Sec. 7-39. Rule making power.

The common council, the mayor or his delegate shall make such rules and regulations as are not inconsistent with this article to govern the collection and disposal of garbage and/or trash. (Ord. No. 617, Art. V, 11-16-53)

Secs. 7-40—7-50. Reserved.

ARTICLE III. STAGNANT WATERS*

Sec. 7-51. Prohibited.

It shall be unlawful for the owner of any property to allow any stagnant water to remain on it. (Ord. No. 53, § 1, 6-20-1890)

Cross reference—Obstruction of ditches, drains, or gutters, § 15-3.

State law reference—Power of city to prohibit health hazards generally, IC 1971, 18-1-1.5-6 (Burns Stat. § 48-1456).

Sec. 7-52. Service of notice to remove.

It shall be the duty of the chief of police, upon direction of the common council to notify the owner of any land which contains any stagnant water of the order of the common council to fill or drain said land. Said notice shall be in writing and shall be served by delivering a copy of it to the owner or his agent if either is within the city, but if neither resides within the city, then by posting a copy of the notice at some conspicuous place on the premises required to be filled or drained. The notice shall be served at least ten (10) days before the period in which the work is required by said notice to be completed. (Ord. No. 53, § 2, 6-20-1890)

Sec. 7-53. Correction by city.

If the owner of any property should fail to remove or drain any stagnant water from his property after service of the notice required by section 7-52, then the city may enter onto said property and bring such land into compliance with the provisions of this article. (Ord. No. 53, 6-20-1890)

State law reference—Power of city to enter onto property and correct ordinance violations and obtain a lien for the expense of same, IC 1971, 18-1-1.5-5 (Burns Stat. § 48-1455).

Sec. 7-54. Lien for removal costs.

In the event of the removal of any waters by the city as provided in this article, the reasonable charges for their

*Cross reference—Waters, sewers and sewage disposal, Ch. 19.